

AMENDED IN ASSEMBLY JULY 6, 2000

AMENDED IN ASSEMBLY JUNE 22, 2000

AMENDED IN SENATE APRIL 26, 2000

SENATE BILL

No. 2100

Introduced by Senator Vasconcellos

February 25, 2000

An act to add Article 23 (commencing with Section 2500) to Chapter 5 of Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 2100, as amended, Vasconcellos. Healing arts: nonconventional treatment.

(1) Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California *and for the licensure and regulation by the Osteopathics Medical Board of California of physicians and surgeons who hold certificates subject to its jurisdiction.*

This bill would require ~~the board~~ *these boards*, on or before ~~January~~ *July* 1, 2002, to establish ~~guidelines~~ *disciplinary policies and procedures to reflect emerging and innovative medical practices* for licensed physicians and surgeons ~~to use if they choose to practice alternative, complementary, or integrative medicine, as specified.~~ This bill would *also* require ~~the board~~ *these boards*, on or before January 1, 2003, to ~~review treatment alternatives for cancer patients and to establish standards for providing treatment alternatives in addition to conventional treatments, including pharmaceutical, surgical,~~

~~and chemotherapy interventions~~ establish a task force, as specified, to review alternatives to the conventional treatments for cancer patients and to forward the report prepared by the task force to the Governor and the Legislature with recommendations regarding the necessity for any statutory changes to allow cancer patients access to a range of treatment choices.

This bill would also provide that until the effective date of the new ~~guidelines~~ disciplinary policies and procedures adopted by these boards, licensed physicians and surgeons may practice alternative and conventional medicine under certain conditions.

This bill would make various legislative findings and declarations in this regard.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) California is experiencing and witnessing the
4 emergence amongst thousands if not millions of its people
5 a fascination with and commitment to the philosophies
6 and methodologies of alternative ways of health and
7 healing, commonly known as holistic health, integrative
8 medicine, humanistic medicine, or complementary
9 health.

10 (b) California is also witnessing the emergence of
11 more and more providers who are committed to these
12 alternative modalities of health and healing, while there
13 has been far too little effort expended to understand and
14 appreciate both the alleged benefits and the alleged
15 damages attendant to those practices.

16 (c) In order to assure the people of California the dual
17 goals of the most beneficial balance of access to these new
18 modalities and the protection of their health and
19 well-being, a wide-open study should be undertaken of
20 these emerging modalities in order to seek to ascertain
21 whether and how the state should best reconceptualize

1 and redesign its structures of governance of health care
2 provider practice; in order to guarantee these dual goals.

3 SEC. 2. The Legislature hereby intends to
4 commission a comprehensive public study by the Medical
5 Board of California *and the Osteopathic Medical Board of*
6 *California* into the emergence of the phenomenon of
7 holistic health, together with an assessment of whether
8 and how the ~~board~~ *boards* should redesign ~~its system~~ *their*
9 *systems* of operation so as to meet the goals expressed in
10 subdivision (c) of Section 1.

11 SEC. 3. Article 23 (commencing with Section 2500) is
12 added to Chapter 5 of Division 2 of the Business and
13 Professions Code, to read:

14
15 Article 23. Alternative Practices and Treatments

16
17 2500. The ~~board~~ *boards* ~~has an obligation to~~
18 acknowledge the significant interest of physicians and
19 patients alike in integrating preventative approaches and
20 holistic-based alternatives into the practice of medicine,
21 including, but not limited to, biopsychosocial techniques,
22 nutrition, and the use of natural supplements to enhance
23 health and wellness. The ~~board~~ *boards* shall establish
24 specific policies in this regard; and shall review statutes
25 and recommend modifications of law, when appropriate,
26 in order to assure California consumers that the quality of
27 medicine practiced in this state is the most advanced and
28 innovative it can be both in terms of preserving the health
29 of, as well as providing effective diagnosis and treatment
30 of illness for, the residents of this state.

31 2501. In fulfilling ~~its~~ *their* responsibilities under this
32 article, the ~~board~~ *boards* shall do both of the following:

33 (a) On or before ~~January~~ *July* 1, 2002, the ~~board~~ *boards*
34 shall establish ~~guidelines~~ *disciplinary policies and*
35 *procedures to reflect emerging and innovative medical*
36 *practices* for licensed physicians and surgeons ~~to use if~~
37 ~~they choose to practice alternative, complementary, or~~
38 ~~integrative medicine. The board shall.~~ *The boards shall*
39 solicit the participation of interested parties in the
40 development and preparation of these ~~guidelines~~ *policies*

1 *and procedures* and shall consult technical advisors as
2 necessary to fulfill the ~~purposes of this article. The~~
3 ~~guidelines shall include, but need not be limited to, the~~
4 ~~following:~~ *purposes of this article. In preparing these*
5 *policies and procedures, the boards shall consult with*
6 *professional medical associations and review the need for*
7 *any changes in the boards' services, procedures, and*
8 *activities. The boards shall also assess the need for:*

9 (1) Specific standards for informed consent, *if any*, in
10 order for patients to be able to understand the risks and
11 benefits associated with the range of treatment options
12 available.

13 ~~(2) Particular training requirements for physicians~~
14 ~~needed to practice specific types of alternative medicine.~~

15 ~~(3)~~

16 (2) Standards for investigations to assure competent
17 review in cases involving the practice of any type of
18 alternative medicine, including, but not limited to, the
19 skills and training of investigators.

20 (b) On or before January 1, 2003, the ~~board~~ *boards*
21 ~~shall review treatment alternatives for cancer patients~~
22 ~~and shall establish standards for providing treatment~~
23 ~~alternatives in addition to conventional treatments,~~
24 ~~including pharmaceutical, surgical, and chemotherapy~~
25 ~~interventions.~~ *establish a task force comprised of medical*
26 *school and medical specialty society representatives*
27 *along with other interested parties to review alternatives*
28 *for the treatment of cancer patients beyond the*
29 *conventional treatments using pharmaceutical, surgical,*
30 *and chemotherapy interventions. On or before January 1,*
31 *2003, the boards shall forward the report of the task force*
32 *to the Governor and the Legislature with*
33 *recommendations about the need for statutory changes,*
34 *if any, that would allow cancer patients in California*
35 *access to an appropriate range of treatment choices.*

36 (c) Until the effective date of new ~~guidelines~~ *policies*
37 *and procedures* of the ~~board~~ *boards* adopted pursuant to
38 subdivision (a), licensed physicians and surgeons may
39 practice alternative and conventional medicine,
40 including with respect to cancer treatments, provided

1 that the treatments are *used by a reputable minority of*
2 *physicians and surgeons in the community, clinically*
3 *appropriate to the condition, chosen by the patient after*
4 *informed consent, and* generally approved by the federal
5 Food and Drug Administration (FDA) or involve the use
6 of products that are specifically exempt from FDA
7 approval, such as nutritional supplements.

O

